

REMARKS

I. AMENDMENT:

The Applicants thank the Examiner for the careful consideration of this application. Claims 1 and 2 are currently amended to incorporate the subject matter of claim 3. Claim 4 is currently amended to incorporate the subject matter of claim 8. Claims 3 and 8 are currently cancelled, without prejudice or disclaimer. Claims 1, 2, 4-7 and 9 are currently pending.

II. RESTRICTION REQUIREMENT:

In response to the restriction requirement mailed December 28, 2009, the Applicants elect Group I, claims 1 and 2 (claim 3 is currently cancelled), with traverse.

According to the Restriction Requirement, the groups of inventions do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. The Action reasons that the special technical feature is the “array of discrete elements ..., which may comprise Gunn diodes ..., attaching each element to a supporting/connecting structure ..., then removing the supporting/connecting structure,” that allegedly is disclosed by U.S. Patent No. 5,418,181 to Ohkubo et al.

Rule 13.2 states that:

[T]he requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding technical features. The expression “special technical features” shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

As currently amended, the special technical feature shared by all of the claims include: “wherein the tab or tabs are electrically conductive and are removed or broken by passing a current therethrough.” This special technical feature is not taught by Ohkubo et al.

For at least the reasons set above, the Applicants submit that, as currently amended, there is one or more of the same or corresponding special technical features that join all of the claims and that unity of invention exists under Rule 13.2. Therefore, the Applicants respectfully request that the restriction requirement be withdrawn and that all of the pending claims be considered for Examination on the merits.

Any necessary additional fees are hereby authorized to be charged, and any overpayments credited to, our Deposit Account No. 22-0261, referencing our docket no. 41557-236805.

Dated: March 25, 2010

Respectfully submitted,

By /Robert Kinberg/
Robert Kinberg
Registration No.: 26,924
Leigh D. Thelen
Registration No.: 64,582
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998
(202) 344-4000
(202) 344-8300 (Fax)
Attorney/Agent For Applicant

#1097193